APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/429,758	10/28/1999	NORMAN ADAMS	ARIB-P0110-U	6287

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EXAMINER
ZURITA, JAMES H

ART UNIT	PAPER NUMBER
3625	

DATE MAILED: 01/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

SK

Office Action Summary	**Application No.** 09/429,758	**Applicant(s)** ADAMS ET AL.
	Examiner James Zurita	**Art Unit** 3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on 21 ~~ctober~~ October 2002 .

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-50_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-50_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4)☐ Interview Summary (PTO-413) Paper No(s). _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: .

DETAILED ACTION

Response to Amendment

A First Office Action of 15 July 2002 rejected claims 1-34. In an amendment of 21 October 2002, applicants amended Claims 1, 4, 5, 14, 17, 23, 27, 28, 30, 31, and 33 and added claims 35-50.

Prior Office Action rejections of claims under 35 USC 112 are withdrawn. Claims 1-50 are pending in the application. They will be examined.

Response to Arguments

Applicant's arguments filed 21 October 2002 have been fully considered but they are not persuasive.

Applicants argue that amended claim 1 is patentable because the combined references do not teach a *commentary entry* that allows appropriate individuals in a procurement chain to better understand a requisition record and ultimately approve a requisition [sic]. Applicants argue that a commentary entry may be used when a requisition record should be approved although a requestor does not have necessary signature authority, or a requestor does not have the necessary purchasing authority. Applicants also argue that in these and other extenuating circumstances [a commentary entry, i.e., a comment or note] might be used to help an approver understand why a request was made and based on this commentary entry, approve a requisition.

In response to applicants' arguments, a recitation of the intended use(s) of the claimed invention must result in a structural difference between the claimed invention

and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

While applicants mention adding "commentary," applicants' disclosures do not contain the term *commentary entry*. Applicants disclose that an employee who handles requisitions, be it requester or approver, can add commentary or attach documents to a requisition, helping everyone who sees it to better understand the requisition." (disclosures, page 19, lines 23-5). For purposes of this examination, Examiner will give the term "commentary entry" its broadest reasonable interpretation, i.e., an entry by a user such as a comment, remark, explanation, explanation, their synonyms or other similar term. The user may enter the information via a user interface, as text in an email, as email electronic document attachment, or other methods known to one of ordinary skill in the art. This interpretation is consistent with an email mode suggested by applicants on page 7, lines 19-26 of their disclosures.

Further, applicants' attention is directed to at least the following portions of Lemble, which disclose the use of commentary entries, i.e., comments, in various tables by various actors in an electronic approval system, Col. 7, lines 4-6, Col. 9, lines 6-Col. 10, line 39, Col. 16, lines 42-66, Col. 17, line 10-Col. 21, line 34. At least these sections refer to various actors (including approvers) entering comments that are later viewed by

others in a procurement chain, including approvers. Comments may also be sent along

via email and as email attachments.

Lemble does not specifically disclose that comments are located in a requisition

record. However, Lemble discloses the use of databases, tables and other storage

means. Lemble specifically mentions the use of SQL and relational database

management systems (RBDMS), as suggested by applicants on page 35, lines 26-29

and page 49, line 4-page 50, line 2. As is well known to those of ordinary skill in the art,

RDBMS permits systems to define records both physically and logically, that is, high-

level v. low-level. A logical record is a reference to a data record that is independent of

its physical location. A logical record may be physically stored in two or more

locations.[1] Thus, comments in Lemble may be located on any record, including

requisition records.

Even if one were to interpret applicants' disclosures as specifically requiring a

comment or commentary field to be physically or logically located on a particular record,

it has been held that rearranging parts of an invention involves only routine skill in the

art. *In re Japikse, 86 USPQ 70.*

Applicants argue that the references do not address exceptions to pre-defined

rules. However, even if one were to interpret the references as failing to address

exceptions to pre-defined rules, it is noted that the features upon which applicant relies

are not recited in the rejected claim(s). Although the claims are interpreted in light of

the specification, limitations from the specification are not read into the claims. See *In*

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[1] Logical record. Computer Desktop Encyclopedia. American Management Association, 1996.

re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Further, the word

exception does not appear in applicants' disclosures, while the word pre-defined or

predefined appears only in relation to reports.

In addition, Lemble discloses that various actors, including approvers, may enter

remarks that are later relied upon for approving or not approving a requisition. See for

example, Col. 5, lines 10-40, which specifically note that a negative reviewer opinion

may require a subsequent authorizer approval for a document to proceed [to a next step

in an approval process], thereby providing for addressing exceptions to predefined

rules.

Thus, applicants' arguments are not persuasive.

Priority

An application in which the benefits of an earlier application are desired must

contain a specific reference to the prior application(s) in the first sentence of the

specification or in an application data sheet (37 CFR 1.78(a)(2) and (a)(5)). In this

case, applicants claim priority to provisional application 60/044,372, filed 28 April 1997.

Since current application was filed 28 October 1999, applicants are requested to

provide application and publication numbers and dates that provide continuity and

copendency. For purposes of these examinations, Examiner will consider that this

requirement has been met.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 35 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicants do not disclose termination criteria for requisitions. While applicants mention termination in relation to Delegation of Authority (DOA) as part of maintaining a personal profile (disclosures, page 25, lines 10-15), there is no mention of termination criteria for requisition information selections as claimed. Although applicants refer to expiration dates for DOA, expiration date of a card (page 37, line 20 and page 38, lines 2-3), expiration date of an employee (page 44, line 10), there is no mention of duration, life, expiration date of a requisition. Provisional application and PCT applications fail to disclose these features as well. For purposes of this examination, Examiner will give the term "termination criteria" the broadest reasonable interpretation, i.e., an end date.

Claim 42 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Provisional application and PCT applications fail to disclose these features as well. Claim 42 refers to commentary entry being "visible only to a user having approval authority." While applicants refer to various types of restrictions,

and various types of request and approval authorities, applicants only state, "Comments

are visible only to the specified audience"(page 19, lines 13-14).

Claim 44 is rejected under 35 U.S.C. 112, first paragraph, as containing subject

matter which was not described in the specification in such a way as to enable one

skilled in the art to which it pertains, or with which it is most nearly connected, to make

and/or use the invention. Provisional application and PCT applications fail to disclose

these features as well. Claim 44 refers to "threading" to "maintain context." Threading

has different meanings, depending on how it is used in a computer system. For

example, in an on-line discussion, a series of messages that have been posted as

replies to one another. A single forum or conference typically contains many threads

covering different subjects.[2] Threading is also a technique used by certain interpretative

languages, such as many Forth implementations, to speed execution; references to

other support routines in each threaded support routine are replaced by pointers to

those routines.[3] Threads and threading in an Internet newsgroup refers to a topic or

theme that continues to receive posting from interested parties.[4] For purposes of this

examination, the term threading will be given its broadest reasonable interpretation, that

is, a communication that contains information related to a particular topic. In this case,

the information would refer to items or products that are being requisitioned or ordered

or purchased, at any step of the entire chain of events. Applicants' disclosures,

particularly page 7, lines 9-14 and page 19, lines 1-18, related to commentary, fail to

provide other patentably distinguishable features.

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[2] Computer and Internet Dictionary, Random House Webster's.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

The terms "favorite" and "frequently-ordered" in claim 36 are relative terms which renders the claim indefinite. The term "favorite" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Applicants use the term "favorite" in the following contexts:

> Perhaps the employee will just choose an item from a list of his own personal *favorite* frequently-ordered items (disclosures, page 6, lines 8-10)

> By choosing from a list of personal favorites. In one embodiment, a *Favorites* list is a "flat" list of up to 25 items that the employee has chosen and marked as *Favorites*. (disclosures, page 17, llines 11-13)

> d. Allows employees to add or remove items from their *favorites* list (disclosures, page 25, lines 7-8)

However, applicants fail to provide standards for what qualifies as a favorite or as a "personal" favorite, and what renders an item eligible to be placed on a list of frequently-ordered items.

Claim 44 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 44 refers to "threading" to "maintain context." The term thread or threading is not defined

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[3] MICROSOFT press Computer Dictionary.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over

King et al. (US Patent 5,319,542) in view of Gardner (US Patent 5,758,327) and further

in view of Lemble (US Patent 5,315,504).

King discloses a system that generates purchase requisition records (Col. 2,

lines 20-67). The purchase request may be generated according to combination of

input from a requestor and information concerning an item being purchased stored in a

database (see at least Col. 4, line 47-Col. 5, line 30). King determines approval path for

purchase requisition according to approval rules (Col. 6, lines 1-30). King provides an

entire process, from preparing catalogs to providing electronic receipt of orders.

King discloses generating a requisition, communicating an order to a supplier as

a purchase order. Since it's usually important to known where to send a purchase order

and who to pay, supplier indicator information may include one or more of the following:

a supplier name, postal address, fax number, email address, electronic address, etc.

See at least Col. 2, lines 12-64. King discloses creating a supplier profile (see at least

Col. 4, lines 47-67). Such profiles are necessarily based on supplier information, and

the information is often stored in an enterprise's systems. It is well-known in the art that

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[4] Thread and threading. Computer Desktop Encyclopedia. American Management Association. 1996.

companies often have lists of preferred suppliers. Thus, a requisition and purchase

order system often includes programs and protocols to access data on an ERP system.

As King discloses, approver-specific information is often referred to as personal

profiles, in accordance with company specifications. Approval authorities may be

changed by administrators or other approvers. Since requisitions are internal to a

company, it is common practice to assign a requisition a unique identifier according to a

company's accounting system. In addition, it is logical to specify where purchased

products are to be sent. Such instructions may be stored in a database (as in King).

Alternatively, authorizations may be input by an approver or requestor, since they

usually know why a product is being requested, where the product should be delivered

and other details. It is well-known to allow users to update selected profile information.

For example, companies often move a person from one office to another, or from one

department to another. Company factories may be relocated or created in different

geographical locations. In addition, persons may be promoted and assigned new

responsibilities. Persons may also leave a company's employment voluntarily. People

may be laid-off, demoted or even fired. It is common practice to prevent access to a

system by former employees, and to reassign a person's tasks and responsibilities.

Responsibilities may also be time-limited. For example, a person may leave on

vacation, maternity leave, or a person may be hospitalized indefinitely. Other well-

known ways of guiding approvals include amount-limits, time limits, etc.

While King *does not* specifically disclose how to handle a requisition when an

approver has not responded based on a specified time span, limitations by hold time are

well known in the art. For example, with Just In Time/JIT inventory systems, time is

critical in requisitioning and ordering of products. With JIT, companies attempt to limit

the costs associated with storing inventory that is necessary to carry out business. It is

obvious that in such systems, it would be dangerous to allow a requisition request to be

held up by any approver for longer than specified periods of time. It is obvious to

provide alternate approval paths to avoid delays such as when an approver may not be

able to approve/deny a requisition within specified time periods. In addition, should

there be unexpected jumps or drops in demand for a company's product, it may be

equally critical to change hold time parameters accordingly, particularly if the item being

ordered is part of a critical path.

King discloses retrieving data from legacy databases (see at least Col. 6, lines

31-62 concerning databases on mainframe systems). Database records inherently

include fields. Communication among nodes on a network as described by King

inherently take place with programs on sending and receiving ends. These programs

and protocols are often referred to as "adaptors." As applicants admit (see at least

disclosures, page 43, lines 1-10), well-known adaptors include the Lightweight Directory

Access Protocol/LDAP. Adaptors are often identified by names of systems to which

they connect. An adaptor connecting a system to an enterprise's Human Resource

Management/HRM system, for example, might be referred to as a human resource

management system adaptor. As applicants admit, HRM systems and adaptors are

well known to one of ordinary skill in the art.

King discloses interactions with various databases, including catalog maintenance and updates (see at least Col. 3, line 60-Col. 5, line 28). While King *does not* specify frequency of interaction with a legacy database, it is obvious that such interactions occur and they may take place on a periodic basis. Inventory needs may vary over time, for example. Orders may include standing orders, also referred to as recurring orders, frequent orders, etc. A supplier's products and their availability may change over periods of time. A supplier might obtain patents on new inventions and may provide products and services that were not previously available. See also king's references to various interfaces (Col. 6, lines 47-58).

King discloses transferring a requisition to an enterprise system (see at least Col. 5, line 30-Col. 6, line 30). It is well known in the art that transfers may be performed when a requisition is approved/denied, since approval/ denial of a requisition often needs to be known to multiple parties, often including a requestor and an approver. Changes of status of a requisition and notification of such changes are critical. A requisition system is useless if it is not able to provide such information to duly authorized personnel. It is well-known in art of electronic commerce to provide approval and status indicator(s) so that a computer system may identify the status of a requisition and communicate the status to interested parties. Such indicators may be stored in a database and accessed via global variables (in C or C++ or Java, or any other type of machine instruction).

King discloses the use of purchase order numbers that correspond to requisitions (see at least Col. 2, lines 11-64, Col. 5, line 30-Col. 6, line 30). The use of purchase

orders and purchase order numbers are well-known. Purchase order numbers are often

internal to an enterprise; the purchase order and purchase order number are

necessarily generated by an enterprise, often in an ERP system. If stored in an ERP

system, the information may be retrieved from an ERP system, since otherwise the

information is useless.

King discloses the use of approval rules to determine the path that a requisition

may take to according to those rules. King shows that various rules may apply, such as

funding, and consequently, specific responsibilities with regard to the ordering process

and completion of a requisition (see references to routing and approval tables, and also

see also at least Fig. 3 and related text). King discloses roles such as buyer/purchasing

agents (see at least 5, line 65-Col. 6, line 30). An entire set of approval relationships

may be stored on in such approval rules. Subsets of approval rules may be defined,

implicitly and explicitly, according to corporate structure, including divisions, business

units, delegation rules, etc.

King discloses that requisitions may be approved or not approved by an approver

and moved to a next approver according to rules (see at least Col. 5, line 30-Col. 6, line

30). King discloses the use of databases to store approval rules (see at least Col. 6,

lines 16-30). King discloses that different approvers may be involved, according to

areas of responsibility, company rules, etc. Various administrators maintain and update

approval databases (see at least Col. 6, lines 15-29).

King *does not* specifically disclose that approvals may be determined at least in

part by purchase amount. Lemble discloses that approvals may be by purchase

amount (Fig. 14, and related text, at least col. 27, lines 43-67). Therefore it would have been obvious to one of ordinary skill in the art of electronic commerce at the time the invention was made to combine King and Lemble to disclose determining approvals by purchase amount. One of ordinary skill in the art of electronic commerce at the time the invention was made would have been motivated to combine King and Lemble to disclose determining approvals by purchase amount for the obvious reason that limits by amounts are well known and common. One would want to distribute the burden of approval among various persons in order to avoid bottlenecks in production and to provide a way of inhibiting preventing fraud by requiring multiple approvals (see also discussion of delegation, above).

King discloses that approval authority may be identified by a company (see at least Col. 6, lines 16-30). Gardner discloses that an alternate approver may be delegated to authorize requisitions on the basis of amount or item being requisitioned (Col. 8, lines 1-64). Neither King nor Gardner specifically disclose who may request such delegation. However, it is well known in the art that a person may delegate authority to another person for a wide range of purposes and for specified or non-specified periods of time. Delegated tasks may include signing timesheets and approving purchases in his absence. It is common in the art for persons to set up their emails to generate an "on vacation" message and to direct inquiries to another person in their absence. Further, Lemble specifically addresses controls and restrictions concerning approvers, and access to certain information (see at least Col. 7, lines 1-6, Col. 18, lines 1-6)

Therefore, it would have been obvious for one of ordinary skill in the art to combine King and Gardner to include receiving a request from a first approver for delegating the authority of the first approver to a second approver by configuring an approval path handling means to modify the approval path such that the approval path includes the second approver in place of the first approver.

One of ordinary skill in the art would have been motivated to modify King and Gardner (to include receiving a request from a first approver for delegating the authority of the first approver to a second approver by configuring the approval path handling means to modify the approval path such that the approval path includes the second approver in place of the first approver) and include approval paths and delegation of serial or parallel approval authority for the obvious reason that a company's business must continue in the absence of one or more approvers in an approval path.

King, Lemble and Gardner do not use the words "predicate," "consequence," "serial" or "parallel." The references do not specifically describe moving a requisition to a next position in an approval path responsive to an approver approving a requisition. King *does not* specifically disclose notifying an approver when the approver is required to take action. The references do not specifically disclose how to prevent a first approver from taking action on a requisition when the requisition request has been moved from a first approver. However, these features are well-known to those of ordinary skill in the art, since persons in the requisition/ordering chain of authority would need the information to make decisions on whether a product is needed immediately or if a lead time and perhaps additional cost is justified. Other basis of delegating authority

are well-known to one of ordinary skill in the art and may include variables such as

amount of money involved, type of product involved, delivery dates, lead times,

department shipping addresses, where to ship the items ordered, etc.

King discloses interfaces for a user to access the system (see at least Col. 6,

lines 47-58). Gardner discloses the use of the Internet and World Wide Web to access

various portions of a system. They do not use the term *web browser*. A web browser is

software application used to locate and display web pages. The two most popular

browsers are NETSCAPE NAVIGATOR and MICROSOFT INTERNET EXPLORER.

Therefore, it would have been obvious to one of ordinary skill in the art to combine King

and Gardner and disclose the use of web browsers for users to interface with the

various systems. One of ordinary skill in the art would have been motivated to combine

King and Gardner and disclose the use of web browsers for users to interface with the

various systems for the obvious reason that browsers are common, convenient to use

and are the most popular way to access the World Wide Web. In particular, both of the

mentioned browsers are graphical browsers, which means that they can display

graphics as well as text. In addition, most modern browsers can present multimedia

information, including sound and video.[5]

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

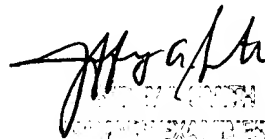[5] Computer and Internet Dictionary, Random House Webster's.

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to James Zurita whose telephone number is 703-605-

4966. The examiner can normally be reached on 8:30 am to 5:00 pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Wynn Coggins can be reached on 703-308-1344. The fax phone numbers

for the organization where this application or proceeding is assigned are 703-305-7687

for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is 703-308-

1113.

James Zurita
Patent Examiner
Art Unit 3625
January 6, 2003